

REQUESTING UNCLAIMED FUNDS

Pursuant to 28 U.S.C. 2042, any claimant entitled to any unclaimed funds held by the court may, on petition to the court and upon notice to the United States Attorney and full proof of right thereto, obtain an order directing payment to him.

Any suspicious applications or indications of fraud will immediately be turned over to the United States Attorney.

Procedures of the United States Bankruptcy Court, Middle District of Florida to obtain unclaimed funds:

- 1) A motion must be filed requesting release of the funds.

Requirements in motion:

- State the name, address and telephone number of the claimant and explain the right of the claimant to the unclaimed funds.
 - Last four digits of the social security number or tax identification number of the claimant.
 - If the party filing the motion is the individual who is owed the unclaimed funds, a copy of the individual's driver's license must be included.
- 2) If the party filing the motion is a personal representative of the claimant, an original Power of Attorney must be attached to the motion. In the case of a corporation, a corporate power of attorney which is signed by an officer of the company, with a corporate seal and a statement of the signing officer's authority, as well as documents which establish the chain of ownership of the original corporate claimant.
 - 3) If the party filing the motion is a personal representative of the claimant, an affidavit stating knowledge of state law requirements for being a personal representative must be attached to the motion.
 - 4) If the party filing the motion has purchased or been assigned the claim, or purchased the assets of the business originally entitled to the unclaimed funds, documentation evidencing the transfer of the claim or proof of purchase/sale of the assets must be attached to the motion.
 - 5) If the party filing the motion is a representative of a deceased claim owner, certified copies of all probate documents which substantiate the representative's right to act on behalf of the decedent's estate must be attached to the motion.
 - 6) A Certificate of Service must be filed reflecting service on the U.S. Attorney at Attn: Civil Procedures Clerk, 400 N. Tampa St., Suite 3200, Tampa, FL 33602.
 - 7) A proposed order for payment of the unclaimed funds must be submitted. The order must indicate that the payment be made to the claimant and mailed to the attorney-in-fact for the claimant, if applicable, or to the individual claimant. The order must state the address where the check should be mailed and the amount of the claim.